

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center, Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF February 12, 2007

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Steve Anderson called the meeting to order at 9:00 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Steve Anderson, R.Ph., President
William Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna Wall, PharmD., R.Ph., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Landis/Fanning

Motion carried 5/0/0

ADOPTION OF MINUTES FROM JANUARY 8, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the January 8, 2007 meeting of the Board.

Landis/Fanning

Motion carried 5/0/0

PERSONAL APPEARANCES

Omnicare, Inc

Omnicare appeared before the Board to discuss pharmacy technicians doing the final check with a bar code scan. Board requested additional information.

Donna Wall present at 9:10 a.m.

IntegriChain

IntegriChain did not appear.

Inspector Reports were given by the Inspectors. Board asked for a personal appearance for Williams Brothers Pharmacy's PIC and owner.

The Board approved the appearances of the following probationers:

Gregory Claretto
Elaine Niese
Kevin Querry

Anderson/Landis

Motion carried 6/0/0

The Board approved the appearances of the following probationers:

Bruce Burch
Michael Roehm

Fanning/Landis

Motion carried 6/0/0

The Board approved the appearances of the following probationers:

Shelley Brown
Keith Schmidt

Cover/Fanning

Motion carried 6/0/0

Ron Maze, Robert Waite, Brian Overholser (request personal appearance) did not appear.

A motion was made and seconded to approve the following HME Provider applications pending inspection:

Cain Durable Medical Equipment Inc
Gould's Discount Medical
Cincinnati Children's Hospital
AmeriMed, Inc
Byram Healthcare Centers
Parkmor Drug Inc
St. Margaret Mercy Healthcare Centers
EBI LP
A-1 Medical Equipment Inc
Scott-Gross Company Inc
Cooley Medical Equipment Inc
McKane Medical & Hospital Supplies Inc
Rite Aid Medical Inc
Smith's Medical MD Inc
Midwest Orthotic Services LLC
C&D Services of Indiana, Inc
The Scooter Store-Louisville, LLC

Anderson/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following change of locations:

Quest Home Care Inc.
Fayette Memorial Home Medical Equipment
Apex Medical Supply and Equipment Inc.
Advacare Systems
Deaconess Hospital, Inc.

Anderson/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following licensure transfers:

Saundra Luedecke	(IN)
Anna Ly	(CA)
Cynthia Burns	(TX)
Susanne Lee	(PA)
Kristia Matthews	(IL)
Rupal Patel	(MO)
Jamie Wong	(WI)
Colleen Lougheed	(MI)
Robert Bronner, Jr.	(KY)
Jeffery Bolotte	(LA)
David Martinson	(KY)
Daniel Deem	(OH)
John Richards	(MI)

Fanning/Cover

Motion carried 6/0/0

A motion was made and seconded to approve the following closings:

<i>Store</i>	<i>Type</i>	<i>Date closed</i>
Wood Pharmacy 326 N Market Monon, IN 47959	VI	December 28, 2006
Nordyke & Company 104 S Range Box 335 Wolcott, IN 47995	I	December 28, 2006
St. Joseph's Hospital 1900 Medical Arts Dr Huntingburg, IN 47542	II	January 26, 2007
Arnett Pharmacy & Special Services PC 2600 Ferry St Lafayette, IN 47904	II	January 12, 2007
Hook SuperX Inc 601 Sagamore Pkwy W West Lafayette, IN 47906	VI	November 28, 2006

Cover/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following continuing education hours:

Elkhart County Pharmaceutical Assoc.	(1)
NEIPA	(5-1hr)

Anderson/Cover

Motion carried 6/0/0

A motion was made and seconded to table the following applications and request information:

Bloomington Hospital	(2-1hr)	(credentials & learning objectives)
Karl Minor	(12.5)	(learning objectives & speaker information)
Candace Schladenhauffen	(5)	(learning objectives)

Anderson/Cover

Motion carried 6/0/0

Donna Wall attended a settlement conference with Respondent Daria Crawford, Respondent's counsel Thomas Schrack, and Deputy Attorney General Libby Kiefner.

ADMINISTRATIVE HEARINGS

State of Indiana vs. C. Ross Cannon, R.Ph.

License No. 26016181A

Administrative Cause No. 96 IBP 003

Re: Petition to Reinstate

Parties and Counsel Present:

Laura Wilford, Deputy Attorney General

C. Ross Cannon, Respondent

Participating Board Members:

Anderson

Fanning

Landis

Cover

St. Angelo

Case Summary:

A petition to reinstate the suspended license was filed by the Respondent.

Witnesses for the Respondent:

C. Ross Cannon

Witnesses for the State:

None

Board Action:

A motion was made and seconded to deny the request to reinstate the license.

Landis/St. Angelo

Motion carried 5/0/1 (Wall abstained)

Donna Wall returned from settlement conference.

State of Indiana vs. Freeborn Esigbone, R.Ph.

License No. 26016811A

Administrative Cause No. 2001 IBP 0008

Re: Petition to Reinstate

Respondent Freeborn Esigbone withdrew his petition to reinstate.

State of Indiana vs. Joel Spaulding, R.Ph.

License No. 26020745A

Administrative Cause No. 2005 IBP 0005

Re: Final Hearing

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Wall

Anderson

Fanning

Landis

St. Angelo

Cover

Case Summary:

A Complaint was filed adverse Respondent by the State.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to issue a notice of proposed default to the Respondent.

Cover/Wall

Motion carried 6/0/0

State of Indiana vs. Gerry Bowman, R.Ph.

License No. 26017440A

Administrative Cause No. 2006 IBP 0040

Re: Extension of Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Wall
Fanning
Anderson
Landis
St. Angelo
Cover

Case Summary:

A petition was filed by the State requesting an extension of the Respondent's summary suspension for an additional ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to accept the Respondent's voluntary suspension for an additional thirty (30) days.

Wall/Cover

Motion carried 6/0/0

State of Indiana vs. Jason Ashcraft, R.Ph.

License No. 26018912A
Administrative Cause No. 2007 IBP 0002
Re: Petition for Summary Suspension

Parties and Counsel Present:

Tracy Fitz, Deputy Attorney General

Participating Board Members:

Wall
Fanning
Anderson
Landis
St. Angelo
Cover

Case Summary:

A petition was filed by the State requesting the summary suspension of Respondent's license for ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to accept the voluntary indefinite suspension of the Respondent.

St. Angelo/Landis

Motion carried 6/0/0

State of Indiana vs. Robert Waite, R.Ph.
License No. 26013430A
Administrative Cause No. 2004 IBP 0019
Re: Petition for Summary Suspension

Parties and Counsel Present:

Libby Kiefner, Deputy Attorney General

Participating Board Members:

Wall
Fanning
Anderson
Landis
St. Angelo
Cover

Case Summary:

A petition was filed by the State requesting the summary suspension of Respondent's license for ninety (90) days.

Witnesses for the Respondent:

Carl Erdmann

Witnesses for the State:

None

Board Action:

A motion was made and seconded to suspend Respondent's license for ninety (90) days.

Wall/Landis

Motion carried 6/0/0

A motion was made and seconded to issue an Order to Show Cause.

Wall/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following new store applications (excepting Genoa Healthcare which will be approved following the receipt of PIC information):

<i>Store</i>	<i>Type</i>	<i>Opening</i>	<i>Received</i>
Precision Rx Specialty Solutions 2825 W Perimeter Rd Indianapolis, IN 46241	IV	February 22, 2007	January 29, 2007
Hook-SupeRx, Inc CVS/pharmacy #6323 13821 Leo Road Leo, IN 46765	VI	January 28, 2007	December 5, 2006
Hook-SupeRx, Inc CVS/pharmacy #6479 1703 Carroll Rd Fort Wayne, IN 46845	VI	March 25, 2007	January 30, 2007

Walgreen Co. Walgreens #09793 10105 E Dupont Rd Fort Wayne, IN 46825	I	March 5, 2007	January 30, 2007
Genoa Healthcare of Indiana 720 N Marr Rd Columbus, IN 47201	III	March 1, 2007	February 2, 2007
Radiopharmacy of Indianapolis 6538 Corporate Drive Indianapolis, IN 46278	V	March 19, 2007	January 12, 2007

Wall/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following change of location/remodel applications:

New	Old	Received
Walgreen Co Walgreens #10878 825 S Lake Street Gary, IN 46403	Walgreens #02722 805 S Lake Street Gary, IN 46403	January 12, 2007
Hook-SupeRx, Inc Dbc CVS/pharmacy #6499 308 S Huntington St Syracuse, IN 46567	201 E Pickwick Rd Syracuse, IN 46567	January 19, 2007
Hook-SupeRx, Inc Dbc CVS/pharmacy #6537 850 N Plymouth Rd Winamac, IN 46996	Remodel	January 25, 2007
Wal-Mart Pharmacy 10-1263 401 N Burkhardt Rd Evansville, IN 47715	Remodel	January 26, 2007
Kroger Pharmacy J-993 1330 W Southport Rd Indianapolis, IN 46217	Remodel	February 6, 2007
Walgreen Co Walgreens #11219 52578 US 933 N South Bend, IN 46637	Walgreens #02731 52482 US Hwy 31-33 South Bend, IN 46637	January 31, 2007

Wall/Cover

Motion carried 6/0/0

A motion was made and seconded to deny the following technician training program:

New Horizon Computer Learning Center

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following requests for waivers:

Jordan Simonton
Kurtis Atkins

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following pharmacy technician application:

Tabitha Barbree

Landis/Wall

Motion carried 6/0/0

A motion was made and seconded to deny a request for an extension of the tech-in-training license:

Nicole Haddix

Landis/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications:

Medi-Physics, Inc

Landis/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications:

HNP Pharmaceuticals

Cover/St. Angelo

Motion carried 5/0/1 (Landis abstained)

MISCELLANEOUS

Board Director's Report

Nora Apothecary, Charles Lindstrom, and Deborah DeRolf Hearing Dates

A motion was made and seconded to approve the application for the following persons upon completion of MPJE exam.

Kenneth Hewitt

Wall/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the pharmacy type change for the following:

Crowder's Express Scripts-Request to Change Permit Type

Landis/St. Angelo

Motion carried 5/0/01 (Anderson abstained)

Donna Wall attended a pre-hearing conference in the matter of the State v. Melanie Johnson. Present at the conference included Deputy Attorney General Laura Wilford and Melanie Johnson.

State of Indiana vs. Kurt Henke, Pharmacy Intern

Permit No. 45014498A

Administrative Cause No. 2006 IBP 0043

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Kurt Henke, Respondent

Participating Board Members:

Anderson

Fanning

Landis

Cover

St. Angelo

Case Summary:

A petition to withdraw probation was filed by the Respondent.

Witnesses for the Respondent:

Kurt Henke

Witnesses for the State:

None

Board Action:

A motion was made and seconded to withdraw probation on Respondent's license.

Landis/Fanning

Motion carried 5/0/0

State of Indiana vs. Danielle Boddie, Pharmacy Technician

Certification No. 67008794A

Administrative Cause No. 2006 IBP 0010

Re: Extension of Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Case Summary:

A petition was filed by the State requesting an extension of the Respondent's summary suspension for an additional ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to extend the Respondent's suspension for additional ninety (90) days.

Landis/St. Angelo

Motion carried 5/0/1 (Wall abstained—not present)

State of Indiana vs. Anne Idlewine, Pharmacy Technician

Certification No. 67000170A

Administrative Cause No. 2007 IBP 0003

Re: Petition for Summary Suspension

Parties and Counsel Present:

Tracy Fitz, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Case Summary:

A petition was filed by the State requesting the emergency summary suspension of Respondent's license for ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to suspend Respondent's license for ninety (90) days.

Landis/Cover

Motion carried 5/0/1 (Wall abstained as she was not present for entire hearing)

Donna Wall returned from conference.

State of Indiana vs. Melanie Johnson, Pharmacy Technician

Certification No. 67002765A

Administrative Cause No. 2006 IBP 0043

Re: Final Hearing

Parties and Counsel Present:

Laura Wilford, Deputy Attorney General

Participating Board Members:

Wall

Anderson

Fanning

Landis

St. Angelo
Cover

Case Summary:

A Complaint was filed adverse Respondent was by the State.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded by the State to dismiss the matter.

Wall/Cover

Motion carried 6/0/0

State of Indiana vs. Katie Voltz, Technician in Training

Permit No. 99022819A

Administrative Cause No. 2007 IBP 0004

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Wall

Case Summary:

A petition was filed by the State requesting the summary suspension of Respondent's license for ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to suspend Respondent's license for ninety (90) days.

Wall/St. Angelo

Motion carried 6/0/0

State of Indiana vs. Angela Kruer, R.Ph.

License No. 26019970A

Administrative Cause No. 2007 IBP 0005

Re: Petition for Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Case Summary:

A petition was filed by the State requesting the summary suspension of Respondent's license for ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to accept the voluntary agreement to suspend the Respondent's license for ninety (90) days.

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following wholesale drug applications without VAWD accreditation:

PDL BioPharma, Inc
Nextwave Pharmaceuticals, Inc
EKR Therapeutics, Inc

St. Angelo/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following wholesale drug applications pending receipt of VAWD accreditation :

B. Braun Medical Inc-California
B. Braun Medical Inc-Pennsylvania
B. Braun Medical Inc-Georgia

St. Angelo/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following as a third party logistics provider :

Life Science Logistics, LLC

St. Angelo/Wall

Motion carried 6/0/0

A motion was made and seconded to vacate the NPD in the matter of the State v. William Axsom and to set the matter for final hearing on March 12, 2007.

Landis/Wall

Motion carried 6/0/0

The meeting adjourned at 2:07 p.m.

Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, March 12, 2006
Indiana Professional Licensing Agency
Conference Room W064